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ABSTRACT

Included in the discussion of how colleges and universities can plan for the implementation of Section 504 of the 1973 Rehabilitation Act (which gives handicapped people equal access to higher education) are an explanation of Subpart E of the Act, a definition of the handicapped community, and a list of services that should be provided for them on campus. Partial lists of support groups, consumer groups, and organizations for the handicapped are included, along with publications and sources. (DLS)

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# PLANNING FOR IMPLEMENTATION OF SECTION 504

# AT COLLEGES AND UNIVERSITIES

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## INTRODUCTION

> "The people know their rights, and they are never slow to assert and maintain them, when they are invaded." -- Abraham Lincoln

Section 504 of the 1973 Rehabilitation Act is the first civil rights law guaranteeing equal opportunity for more than 35 million Americans. With language patterned after Title VI of the 1974 Civil Rights Act and Title IX of the 1972 Education Amendments, Congress mandated:

> "No otherwise qualified handicapped individual in the United States ...shall, solely by reason of his handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any programs or activity receiving federal assistance."

On April 28, 1977, Joseph Califano, Secretary of Health, Education and Welfare signed the first set of regulations to implement Section 504. The regulations cover every state, county, and local government program and every private agency receiving funds directly or through the state, from HEW.

Almost all colleges and universities receive funds from the Department of Health, Education, and Welfare and are affected. Subpart E, Sections 84.41 to 84.47 prohibits these colleges and universities from discriminating against handicapped students in programs and activities, identifies practices leading to exclusion of disabled people, and indicates steps to insure equal opportunity.

The regulations were signed, publicized, and studied. Cries of concern and protest came forth. "We don't have disabled students. Do we have to comply?" "Will there by money to make our entire campus accessible?" "We don't know where to start." "Aren't there colleges they now can attend?" "Compliance is impossible. Our school is so small and has such a limited budget."

## WHY IS THERE A NEED?

To understand the regulations one must examine why there was a need for them. In the past, some institutions refused to admit disabled people and explained that the institution was unprepared for them. Money continued to be committed to building campus facilities that were not architecturally accessible. In other schools to which disabled people were admitted, there was little or no provision made to ensure equal access. For example, registration would often be held in an inaccessible facility yet no provision was made for help into the inaccessible facility and no alternate location was offered. Blind people frequently encountered difficulty in obtaining permission to use tape recorders in class. In other instances, deaf people were left without support to deal with communication problems. Campus housing was often inaccessible. Transportation was provided for students but the vehicles were usually inaccessible to disabled people.

Years have passed. Disabled students have worked hard to solve the problems encountered in attending school. Students having difficulty have consulted with school administrators. Many schools listened with sensitivity and started making changes to incorporate disabled people in the student body. The University of Illinois, the University of Missouri, St. Andrews College, the University of California and Emporia State College were some who led the way in making needed

changes. But many institutions, out of lack of knowledge or sensitivity, have remained the same and have not indicated that they are incorporating changes in future planning.

The number of disabled students has grown and now outnumbers the capacity of the accessible institutions. Students want to have the option of going to school close to home. They want reasonable expenses. They should be able to enter a chosen course of study. They should not have to schedule classes so that they can go home to the bathroom. Campuses should have accessible facilities. Students should be able to judge the excellence of a college's curriculum rather than the college's disabilities. How can it be ensured that disabled people in all parts of the country have equal access to higher education? The answer is Section 504 of the Rehabilitation Act, Subpart E.

The best explanation of the meaning this subpart has comes from the Public Interest Law Center of Philadelphia. In their manual explaining Section 504 for disabled consumers, they wrote the following:

HIGHER EDUCATION

Subpart E, Sections 84.41 to 84.47

Virtually all colleges -- community, state, and private -- and graduate schools receive funds from the Department of Health, Education, and Welfare and are now fair game. Subpart E of the regulation prohibits these colleges and universities from discriminating against handicapped students in any of their programs or activities, identifies particular practices which have tended to exclude disabled people from higher educational opportunities, and prescribes a number of positive steps to ensure that handicapped students have an equal opportunity to obtain a degree and to share in benefits of college and graduate life.

A. Opportunities Open Up

Handicapped students must be provided an equal opportunity to participate in every aspect of higher education programs. This applies to academic, research, and professional programs, as well as extracurricular programs (physical education courses, athletics, and social activities), housing, health services, employment (work study, student teaching assignments, etc.), career placement services, counseling services, and insurance plans. Section 84.43 (a).

If a college or university has a cooperative arrangement with an outside organization in providing any of these programs or services, then the school must take action to ensure that the outside organization does not discriminate. For example, if a college runs a student teaching program that involves students teaching in a private school, then the college must see to it that handicapped student teachers are offered the same range and quality of choice in student teaching assignments as other students. The same goes if a private employer recruits students on campus, the private employer must give assurances that it provides equal employment opportunities for handicapped people. Or if a college assists students in finding off-campus housing, it must make sure that off-campus housing is also made available to handicapped students. Sections 84.43 (b), 84.45 (b), 84.46 (b).

Nor can a fraternity, sorority, or other social organization that receives support from a college or university discriminate. Section 84.47 (b).

B. Tests and Admission Procedures

Tests and other methods of evaluating a student's aptitude or level of achievement in a course must be reviewed to ensure that they do not discriminate against students with visual, hearing, or manual impairments. If alternative testing methods are available which avoid unfair distortion, they must be used. Admission tests for blind or deaf students, or for students who are manually impaired, must be offered as frequently as are tests for other students. All admission tests must also be given in accessible facilities.

Colleges and universities must conduct periodic studies comparing performance on admission tests with students' grades and overall success in school to make sure that the tests being given are valid predictors of prospective students' potential. Section 84.42 (b) and (d), 84.44 (c).

C. Limiting Inquiries About Disabilities

A college or university may invite students applying for admission to indicate whether and to what extent they are handicapped only if it does so in connection with an affirmative action plan to increase the enrollment of handicapped students. When inviting students to respond to such questions, the questionnaire or interviewer must clearly state that the information is intended only for affirmative action purposes and is being requested on a voluntary basis, that refusal to furnish any information will not be held against the student, and that any information volunteered will be kept confidential.

After a student is admitted, the school can only make confidential inquiries as to whether the individual has a handicap which may require an accommodation. Section 84.42 (c).

D. Making Facilities Accessible

By December 1977, all colleges and universities must develop a transitional plan with input from consumers for making structural changes to their facilities over the next three years so that their programs are accessible to handicapped students.

Program accessibility basically requires that a college or university make its existing facilities accessible if an equally effective alternative does not exist for making the benefits or services available. Alternatives are not equally effective if they result in a handicapped student receiving a lesser benefit or service or if they keep handicapped students from participating with others. Section 504 and the regulation place a high priority on creating the most integrated and normal environment possible. Sections 84.22 (b) and 84.43 (d).

When drawing up transitional plans for making facilities accessible, consumers should keep in mind:

1. Classrooms

A student cannot be excluded from any course just because it is taught in an inaccessible classroom. Enough classroom facilities will have to be made barrier free to permit the scheduling of all required courses and a reasonable selection of elective courses at accessible locations. Section 84.43 (c); 42 Fed. Reg. 22689, col. 2, para. 6.

2. Housing

If a school provides housing for its students, it must also make comparable facilities (same cost, convenience of location, etc.) available to handicapped students. This means that schools must make both a sufficient quantity and variety of units accessible so that handicapped students have the same range of choice among living accommodations as everyone else. Section 84.45 (a).

3. Gyms and Student Centers

Handicapped students must be given an equal opportunity to participate in regular physical education courses, athletic activities, and extra-curricular programs along with other students. To the maximum extent possible, these programs and activities must take place in the most integrated and normal setting. Gyms and student centers should be made totally accessible so that handicapped students can participate in the same selection of physical education courses, athletic activities, and extra-curricular activities with their fellow students. Section 84.47 (a).

4. Libraries and Administration Buildings

Handicapped students must have access to libraries and administration buildings. Equally effective alternatives may exist, however, to making every part of these facilities accessible. For example, book stacks are a barrier to handicapped students who cannot reach up tall shelves or travel down narrow aisles. A possible alternative to redesigning the book stacks is to have a librarian available to assist such students. The librarian could also assist blind students with referencing and finding books. Or if a student wants to meet with a school administrator who is located in an inaccessible office, the meeting might be scheduled in an accessible place. As long as such suitable accommodations can be made and handicapped students do not receive any lesser service or benefits and are not separated from other students, schools are not required to make libraries and administration buildings totally accessible.

5. Providing Effective Communications

Handicapped students cannot be excluded from a course or other activity just because an appropriate educational aid is lacking. Colleges and universities must make sure that handicapped students have available whatever auxiliary aids they need to participate in classes and other activities. Auxiliary aids include brailled and taped texts, interpreters in classrooms for students with hearing impairments, readers in libraries for students with visual impairments, and classroom equipment adapted for use by students with manual impairments. The duty to provide auxiliary aids does not extend to services or items of a more personal nature such as attendants, readers for personal use or study, or individually prescribed devices.

Schools can first request students to apply to an outside agency which normally offers auxiliary aids -- e.g., Bureau of Vocational Rehabilitation or a private charitable organization -- for the service. If the outside agency does not provide the requested aid or service, then the college or university must do so. Section 84.44 (d).

E. Adjusting Academic Requirements and Other Rules

Non-essential academic requirements and practices that discriminate against handicapped students must be modified. For example, deaf students must be allowed to substitute an art appreciation or music history course for a required course in music appreciation, or to request that changes be made in the manner in which the music appreciation course is conducted. Or a student may request additional time to complete the requirements for a degree. Rules banning tape recorders from classrooms or dogs from campus buildings must also yield to the needs of handicapped students.

On the other hand, if a required course is essential to the degree program the student is enrolled in, no modifications or substitutions have to be allowed. Section 84.44 (a) and (b).

## BUT WHO ARE THESE HANDICAPPED PEOPLE?

The need for discussing what people comprise the disabled community stems from observations of the reactions of recipients. It is critical to note that the greatest impact of these regulations has been on those groups who have not previously served disabled students. Visions of the most severe hospital cases wanting to attend college make the task of compliance appear impossible. Who are these regulations for, anyway? We are talking about people. As there is no such animal as the average man, there also is no such average disabled person. The term "mobility impaired" describes the range of a person with a broken toe to a severe quadriplegic. Hearing problems range from corrected problems to total deafness. Visual problems range from corrected eyesight to total blindness. Students categorized as disabled are as varied in service needs as the general student population. A student in a wheelchair attending a barrier free university might not have need for any special services and in that situation would not be considered handicapped. The same student attending a university with major physical obstacles might require numerous "special services." A rehabilitated blind person with needed auxiliary aids might need no university-provided services. But the same student without proper aids and in a totally unfamiliar environment might need orientation services and help in obtaining appropriate services and aids. These examples are only to show the need for individualized services at the university level.

## WHAT SERVICES SHOULD BE PROVIDED?

One approach to planning is to examine the services provided by those institutions with years of experience in this area. Learn from them the wide range of services made available and the creative ways they have discovered of dealing with problems. Listed below is a sample of services that have been provided by various universities for disabled students. This list does not imply that these services should all be provided by all universities or that this list is all-inclusive. It should only be read to see the wide range of

possible services that might be needed at one time or another, and it may help to give you thoughts on ways of providing equal opportunity.

Admissions

Collection of special case materials to be used in preadmission counseling and evaluation

Performing physical and functional evaluations to assist in determining readiness of applicant to begin academic career

Administering admissions tests for blind or deaf students or for students who are manually impaired

Orientation

Accessibility guide to campus buildings and parking

Acquaint students with facilities and services of significance to the physically disabled

General orientation to campus - blind

Special orientation to library facilities in which blind student will be involved

Early Registration

Scheduling of classes in keeping with physical, academic tolerances and other specific needs

Relocation of required courses

Close proximity of classes

Accessibility of buildings, transportation and parking

Administrative and security problems

Medical Services

Medical supervision

Physical and medical evaluation

Medical consultation, counseling, limited treatment

Coordination of extended medical and surgical treatment

New students are seen by supervisor of medical services prior to registration to review medication programs and other matters

Physical Therapy

Special exercises

Instruction in self-care

Specific functional skills

Reeducation on an individually supervised basis

Occupational Therapy and Prosthetics

Training in vocational skills related to the educational objective of the student

Adaptive devices to assist the student

Counseling

Specific to disabled students with particular emphasis on vocation

Sex counseling done by professionals with in depth knowledge of problems resulting from disability

Other Services

Travel training for blind students

Tape transcribing service

Braille transcribing service

Free direct reader service

Maintenance of a tape library for the blind

Maintenance of a braille library for the blind, encyclopedia, dictionaries, foreign language dictionaries, logarithmic tables, mathematical tables, etc.

Training and administration of volunteers, from such resource groups as retired faculty members, school teachers, wives of faculty members, persons to work as braillists, tape transcribers or readers

Brailler for use by blind students and sighted volunteers

Talking book machine

Special reading rooms, appropriately equipped, in the library

Recreational activities for all disabled students

Maintenance of large print materials within the library, i.e. Roget's Thesaurus, Webster's New World Dictionary, etc.

Sign language classes to train volunteers

Accessibility guide to the community

List of accessible housing in the community

Transportation resources in the community, such as special van services, responsive taxi companies

Information on special medical services available in the community

Leisure activities available in the community

List of trained attendants

Identification of facilities that repair equipment, such as wheelchairs

Special objective classroom test administration services

Peer assistants to aid students needing minimal help

List of variety of accessible residence units

WHERE DOES ONE BEGIN?

In the beginning stages of planning, when few disabled students are present, one good approach is to begin a program based on meeting the needs of those presently enrolled. Consult with them and determine how their needs can be best met. Simultaneously, programs being planned for the future should provide for all people -- including the disabled. As the number of disabled students increase at a school the range of services will also increase. Provision of comprehensive services then might be cost-effective and far more efficient.

Dr. Timothy Nugent, from the University of Illinois, in a paper on Section 504, stated that "on a given campus, priorities might be established as follows:

1. Adequate residences should be constructed or remodeled and appropriately equipped to sustain the living requirements of all handicapped individuals.

2. Academic facilities which contain core curricula that serve the largest number of people in pursuit of the largest number of objectives (curricula).

3. Those facilities that house essential or select offerings that cannot be duplicated in other facilities on the same campus or which have unique fixed equipment such as chemistry labs, physics labs, physiology labs, engineering labs, etc. (as compared with those curricular offerings which can be adequately facilitated in many buildings, such as sections in Rhetoric, English, or other lecture discussion courses).

4. Each of the above would also be directly affected by specific demands of interested individuals in given areas in accordance with numbers or essentialness.

5. Those buildings that serve the entire student body and faculty such as central administrative offices, student personnel services, health

services, physical education, recreation, auditoria, cafeteria, and performing arts centers would also be a high priority group as they play a major role in the life of a student with a handicap.

6. An ongoing priority should be given to concern for proximity, mobility and safety. These would, of course, include sidewalk ramps or curb cuts, continuing uninterrupted and level walks, and on many campuses an adequate system of transportation."

It should be understood that the ultimate goal is to serve all students in all facilities. Separate facilities or programs are in complete opposition to the intent of Section 504. Think of your planning in terms of progression with total accessibility your goal.

There have been many questions regarding the possible need for modification of curriculum. Dr. Nugent explained,

> "Throughout our entire history we have never 'modified' a curriculum, waived a curricular requirement or altered degree requirements. We have found practical ways for an individual student with a unique disability to fulfill a requirement without penalty to himself or others. As an example, if a cerebral palsied student with severe speech involvement must take a spoken language course wherein his inability to speak English certainly would manifest itself in his inability to speak the foreign language, we have reduced his class load on campus and permitted him to take the same language course via correspondence. In this way he or she garners the knowledge of the language and fulfills the requirements but is not penalized by his inability to speak. Similar measures can be exercised for those with written communication difficulties and other unique but specific difficulties."

Integration of services should be stressed. The establishment of a central focal point for information regarding services for disabled students should be in an office other than health services. Health services should be avoided as locations since health is not the problem and reflects an attitude on the part of the university that disabled people are sick, rather than that they are people with certain limitations. Records should be stored in the same manner as for other students -- health records to health services, academic records to the appropriate office, etc.

It is most important to <u>honestly</u> state a university's services in public information material. Provide information regarding physical accessiblity, services provided by the university, and services provided by the community. Incorporate that information into major publications (catalogues, schedules of classes, orientation material). Maps showing what is or is not physically accessible are helpful. Key telephone numbers for special services should be listed right along with the key numbers used by other students. Good, honest information is critical for the disabled student to critique the situation and ascertain if that university is a desired environment.

Take the information collected on your university and look for gaps, using the list of services other schools have offered as a guide. Any gaps found between potentially needed services and provided services should be studied seriously to determine if the university should be the provider or if the

services could and would be provided more appropriately elsewhere. No one is asking you to duplicate services -- only provide those needed that are not being and will not be provided elsewhere.

WHERE CAN YOU GO FROM HERE?

Technical assistance is available from various sources. Both the private and public sectors are attempting to help. The Bureau of Education for the Handicapped, U.S. Department of Health, Education, and Welfare, is funding the Interassociation Project on Higher Education and the Handicapped (HEATH). Its four components are:

1. A comprehensive handbook covering all aspects of the required self-evaluation process. (National Association of College and University Business Officers)

2. Workshops and materials for physical plant administrators focused on the most appropriate and least expensive ways of modifying existing physical facilities in order to accommodate the handicapped on campus. (Association of Physical Plant Administrators of Universities and Colleges)

3. Regional conferences, workshops, and materials for training college and university administrators, personnel officers, faculty, support staff, and students in the pedagogical, programmatic, and attitudinal adjustments and procedures needed for the full acceptance of handicapped persons into the mainstream of American education. (College and University Personnel Association)

4. Central Information Services based upon the accumulation of unfolding campus experiences with handicapped students and employees. (NEXUS)

The Architectural and Transportation Barriers Compliance Board was established by Congress to insure compliance of the 1968 Architectural Barriers Law. Even though the staff is small and has limited time to provide technical assistance, they can be of great help in answering technical questions pertaining to removal of architectural barriers and to barrier-free design.

The President's Committee on Employment of the Handicapped has a variety of information ranging from general information on the disabled population to specific technical design information.

The National Center for a Barrier Free Environment is a private organization dedicated to a barrier free environment. The staff authored, "Planning for Accessibility," a guide for developing and implementing campus transition plans.

Barrier Free Environments is a private architectural firm specializing in barrier free design. Its director has authored several excellent publications on barrier free design.

Mainstream is a private firm with consultants on barrier removal. Their creative, low-cost solutions have been extremely helpful to many.

The Division of Rehabilitation-Education Services of the University of Illinois can provide much help in providing program access. Dr. Timothy Nugent, its director, has been a leader in this area for many years and has worked through most of the problems now being encountered.

A vast information network exists within the disabled community. Disabled people have had to deal for years with the problems now being institutionally addressed. What better resource is there than this pool of people who have solved a myriad of problems in the past? It is best to seek assistance from a consumer group of disabled people rather than an individual, since the design and program problems will be viewed with a consideration to many people's needs versus one person's needs. Problems vary and consumer groups have many representatives who have used a variety of solutions.

The consumer groups listed are representative of a much larger community. This list will at least provide a start as each listed has state affiliates.

The American Coalition of Citizens with Disabilities (ACCD)

Disabled American Veterans

National Association of the Deaf

National Association of the Physically Handicapped

National Federation of the Blind

Paralyzed Veterans of America

There are many organizations and agencies that are support groups to the disabled community. Using their intimate knowledge of the community, disabled groups will direct people to organizations and agencies with specific service or expertise. These include:

United Cerebral Palsy Association

Multiple Sclerosis Society

National Easter Seal Society for Crippled Children and Adults

National Rehabilitation Association

American Foundation for the Blind

The intent of Section 504 is to bring into a university a group of people previously left out. A disabled student should be able to participate in all activities desired for personal and professional growth. The law can force schools to respond, but hopefully the schools are becoming desirous of serving an unknown population and won't need force.

Section 504 has given support to the rights of disabled people. Hopefully, Abraham Lincoln's opening quote will apply and disabled people, now that they know their rights, will never be slow to assert and maintain them when they are threatened.

## ORGANIZATIONS

American Coalition of Citizens with Disabilities
1346 Connecticut Ave., N.W.
Washington, D.C. 20036

American Foundation For The Blind
15 West 16th Street
New York, N.Y. 10011

Architectural and Transportation Barriers Compliance Board
330 C St., S.W.
Washington, D.C. 20201

Barrier Free Environments, Inc.
P.O. Box 3446
Fayetteville, N.C. 28305

Disabled American Veterans
3725 Alexandria Pike
Cold Spring, Kentucky 41076

Division of Rehabilitation-Education Services
University of Illinois
Oak Street and Stadium
Champaign, Illinois 61820

Higher Education and the Handicapped
American Council on Education
One Dupont Circle
Washington, D.C. 20036

Mainstream, Inc.
1200 15th Street, N.W.
Washington, D.C. 20005

Multiple Sclerosis Society
257 Park Avenue South
New York, N.Y. 10010

Muscular Dystrophy Association
1828 L St., N.W.
Washington, D.C. 20036

National Association of the Deaf
814 Thayer Ave.
Silver Spring, MD 20710

National Association of the Physically Handicapped
76 Elm Street
London, Ohio 43140

National Center for a Barrier Free Environment
8401 Connecticut Ave.
Washington, D.C. 20015

National Easter Seal Society for Crippled Children and Adults
2023 West Ogden Ave.
Chicago, Illinois 60612

National Federation of the Blind
1346 Connecticut Ave., N.W.
Washington, D.C. 20036

National Paraplegia Foundation
333 N. Michigan Ave.
Chicago, Illinois 60601

National Rehabilitation Association
1522 K Street, N.W.
Washington, D.C. 20005

Paralyzed Veterans of America
4330 East West Highway, Suite 300
Washington, D.C. 20014

President's Committee on Employment of the Handicapped
1111 20th Street, N.W.
Washington, D.C. 20036

United Cerebral Palsy Association
66 East 34th Street
New York, N.Y. 10016

## PUBLICATIONS AND SOURCES

Accessibility Modifications, Ronald L. Mace. Available from North Carolina Department of Insurance, Special Office for the Handicapped, P.O. Box 26387, Raleigh, N.C. 27611.

Architectural Accessibility for the Disabled of College Campuses, Stephin R. Cotler, RP and Alfred H. DeGraff. Available from State University Construction Fund, 194 Washington Ave., Albany, N.Y. 12110.

Campus Advocacy: How to Start an OPIDS. Available from the Office to Promote Independence of Disabled Students, Activities Center, Memorial Hall, University of Georgia, Athens, Georgia 30602.

Getting Through College with a Disability. Available from President's Committee on Employment of the Handicapped, Washington, D.C. 20201.

Planning for Accessibility, Margaret Milner. Available from Association of Physical Plant Administrators of Universities and Colleges, Suite 250, Eleven Dupont Circle, Washington, D.C. 20036.

Section 504 Handbook - The HEW Regulations. Available from the Public Interest Law Center of Philadelphia, 1315 Walnut Street, Philadelphia, PA 19107.

General informational material from the following universities:

Affirmative Action Plans - University of Illinois
Syracuse University

Services for Disabled Students - Hofstra University
Michigan State University
Southwest Minnesota State
St. Andrews College
University of California at Berkeley
University of Georgia
University of Illinois
University of New Mexico
University of Pittsburgh
University of Wisconsin - Whitewater